

## Chapter 3 General Provisions

### Section 2 ~~Proposal Requirements and Conditions~~ Bidding

#### 3-201 General

Section 2, “~~Proposal Requirements and Conditions~~Bidding,” of the *Standard Specifications* covers proposal requirements and conditions that apply to a contractor bidding on a project. The Office of Office Engineer must adhere to this section’s requirements. District construction personnel must be familiar with this section, including the contractor’s responsibilities and options after bids have been opened.

#### 3-202 Advertisement

Before the plans and specifications are made available to the public, California law requires ~~the~~ publication of contract information in the State Contracts Register. Before bid opening, Caltrans will ~~then~~ allow a minimum of three weeks (more if the project is complex) for contractors to purchase plans and specifications and prepare their bids. Emergency projects may have a shortened advertisement period.

#### 3-203 Bid Opening

For projects in Northern California (Districts 1, 2, 3, 4, 5, 6, 9, and 10), bids open in Sacramento on Tuesdays and Wednesdays. For projects in Southern California (Districts 7, 8, 11, and 12), bids open ~~on Thursdays in Irvine~~ in the District 12 headquarters ~~in Irvine~~ on Thursdays.

The Division of Administrative Services administers projects estimated to be below \$~~131~~250,000, which are designated as minor B. Bids for minor B projects in Northern California ~~bids are opened~~ open in Sacramento, while bids for minor B projects in Southern California ~~bids are opened~~ open in Irvine.

#### 3-204 Communication With Bidders

To protect the integrity of the bidding process, no bidder must be given a real or perceived advantage over any other bidder. Use the following guidelines to ensure that any information provided to one bidder is also provided to all other potential bidders for a particular project.

- Only ~~the~~ designated district construction personnel must answer bidder inquiries. The design engineer, construction field personnel, or other ~~nondesignated~~ non-designated Caltrans personnel must never respond directly to bidder inquiries.
- Thoroughly investigate bidder inquiries, and provide timely and conclusive responses.
- Distribute or post written responses to all plan holders ~~via~~ by fax, ~~the~~ internet, or other similar means.
- Number the responses to facilitate bidder comments and the follow-up questions to responses. Specify the date responses are posted.
- Include the following language with all responses published or posted:

Responses to bidder inquiries, unless incorporated into formal addendums~~a~~ to the contract, are not a part of the contract, and are provided for the bidder’s convenience only. In some instances, the question and answer may represent a summary of the matters discussed rather than a word-for-word recitation. The availability or use of information

provided in the responses to bidder inquiries is not to be construed in any way as a waiver of the provisions of 2-1.30, “Job Site and Document Examination,” [Section 2-1.03, “Examination of Plans, Specifications, Contract, and Site of Work”] of the *Standard Specifications* or any other provision of the contract, the plans, *Standard Specifications*, or special provisions; nor to excuse the contractor from full compliance with those contract requirements. Bidders are cautioned that subsequent responses or contract addenda may affect or vary a response given previously.

- Refer directly to the plans, specifications, and other provisions of the contract. Quote specific sections of the *Standard Specifications* and special provisions, as well as specific sheet numbers and details on the plans and *Standard Plans*.
- Ensure conclusive responses. If an inquiry cannot be answered conclusively by directly referring to the contract provisions and requires some measure of amplification, confirm the statewide interpretation by consulting with the district construction office, the Division of Construction, the Division of Engineering Services, or other program with the necessary knowledge. ~~In such cases,~~ Give special emphasis to assessing the need for an addendum. Before giving a response that involves inquiries regarding construction methods, obtain direction from the district construction office. Routinely route inquiries and proposed responses through appropriate support and construction functions. Before bid opening, route all inquiries and responses to the resident or construction engineer responsible for administering the project.
- If an inquiry indicates the contract should be modified, issue an addendum. Before publicly posting any referrals to the addendum, issue it. When an addendum is issued in response to an inquiry, post “Per Addendum No. ~~—, dated —~~, dated —” as the inquiry response. The district office engineer must notify the Office of Office Engineer as soon as possible of ~~addenda~~addendums proposed or under consideration. Responses to inquiries, whether made ~~verbally~~orally or in writing, do not become part of ~~nor~~or change the contract. However, they may be used in defending Caltrans or the contractor’s position in a dispute when the industry has been given related knowledge before bidding.
- Rarely respond with “Bid it as you see it.” However, such responses may be appropriate, depending on the scope of the particular issue, the timing of the bidder inquiry, and other factors.
- It may be impractical to post responses to certain inquiries ~~that are~~ submitted too close to the bid opening date. Although you should aggressively pursue the investigation of all bidder inquiries, Caltrans may, ~~considering~~ consider the particular circumstances, and waive posting a response, if warranted.
- Post all responses, including “Bid it as you see it”, responses.
- Consider written bidder inquiries only when the bidder submits a completed “Bidder Inquiry” form ~~is submitted~~ when the contract requires this form.
- Even if the contract does not require written bidder ~~inquirers~~inquiries, Caltrans strongly encourages using the ~~form’s use~~form to the extent practical because the form helps manage bidder inquiries and responses. ~~You can obtain a sample of this form from the~~ Office of Office Engineer has samples of this form.

### 3-205 Disclosure of Construction Estimates

Until bids are opened, the engineer’s estimate of the cost of each contract item ~~;~~ supplemental fund allocation, contingency fund allocation, statefurnished materials allocation, and any other portion of the project estimate are not public information.

Before bid opening, bidders may know only the total allocated funds available on a specific project. This information is available for minor A and major projects ~~and is provided by~~. The weekly advertisement for bid listing provides the information either in ~~hardcopy~~hard-copy form or on the internet ~~at the following address~~:

<http://www.dot.ca.gov/hq/esc/>

To get minor B project funds allocation information ~~is available by calling, call~~ the Sacramento office at (916) 227-6075, ~~or by sending~~send a fax request to (916) 227-1950, or ~~from~~use the internet ~~at the following address~~:

<http://www.caltrans-opac.ca.gov/refguide.pdf>

### **3-206 Names of Prospective Bidders**

For all projects except minor B construction projects, you can obtain the names of prospective bidders ~~can be obtained~~ by requesting ~~in writing or by fax~~ a "Plan Holders List" in writing or by fax from the ~~Caltrans'~~Caltrans plans counter in Sacramento, fax (916) 654-7028, or from the internet ~~at the following address~~:

<http://www.dot.ca.gov/hq/esc/>